

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GLENN ELLIOTT LEONARD,

No. 2:13-cv-01865-YY

Petitioner,

v.

STATE OF OREGON and FRANKIE,

ORDER

Respondent.

HERNANDEZ, District Judge:

Magistrate Judge Stewart¹ issued a Findings & Recommendation (#64) on February 8, 2016, in which she recommends the Court deny petitioner's request for an evidentiary hearing, deny the Amended Petition for Writ of Habeas Corpus, decline to issue a Certificate of Appealability, and enter a judgment dismissing the case with prejudice.

Petitioner has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

¹ The case was reassigned to Magistrate Judge You after Judge Stewart filed this Findings & Recommendation.

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

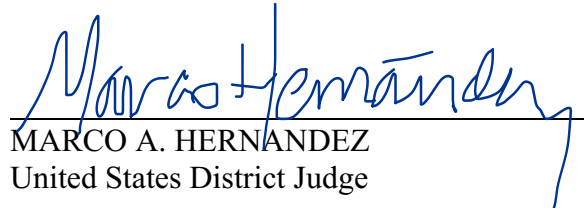
I have carefully considered Petitioner's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings & Recommendation [64], and therefore, Petitioner's Amended Petition for Habeas Corpus [24] is denied. Petitioner's request for an evidentiary hearing is denied. I decline to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 23 day of March, 2016.


MARCO A. HERNANDEZ
United States District Judge